

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
 )  
 v. ) Criminal No. 03-10367-MEL  
 )  
 JAMES T. RICHARDS, )

**GOVERNMENT'S MOTION FOR AN ORDER  
REGARDING EXCLUDABLE TIME**

The United States of America, through its undersigned counsel, hereby moves pursuant to 18 U.S.C. § 3161 for an order excluding time from the period within which trial must commence under the Speedy Trial Act. In support of this motion, the United States sets forth the following:

1) On June 9, 2005, this Court ordered that the period of time between September 10, 2004 through June 30, 2005, be excluded from the time period within which trial must commence (Docket Entry No. 112).

2) That exclusion of time was partially based upon the defendant's need for additional time to identify and consult with a doctor(s) who could assist the defendant in his consideration of pursuing an insanity defense. During a status hearing on May 25, 2005, the defendant requested additional time - until June 30, 2005 - to advise the Court of his intention to pursue such a defense.

3) The defendant required additional time beyond June 30, 2005, to consult with a doctor in this regard, as indicated in letters filed with the Court (Docket Entry Nos. 117 and 121). As of today's date, the defendant has not notified the Court or the

Government of his intentions with regard to his pursuit of an insanity defense.

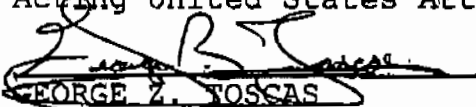
3) The time period between June 30, 2005 through today's date, up to and including any additional time granted by this Court for the defendant to consider and prepare for his defense, would be excludable pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(iv) in that the defendant has advised the Court that he is considering an insanity defense and that he has been in the process of identifying and consulting with a doctor in support of such a defense. The ends of justice served by granting the defendant reasonable time to identify and consult with a doctor in order to consider such a defense outweigh the best interest of the public and the defendant in a speedy trial.

Accordingly, based upon the foregoing reasons, the United States requests an order excluding the period of time from June 30, 2005 through at least today's date, August 25, 2005, up to and including any additional time granted by this Court for the defendant to prepare his defense, from the time period within which trial must commence.

Respectfully submitted,

BARRY SABIN  
Acting United States Attorney

By:

  
GEORGE Z. TOSCAS  
Trial Attorney  
United States Department of Justice  
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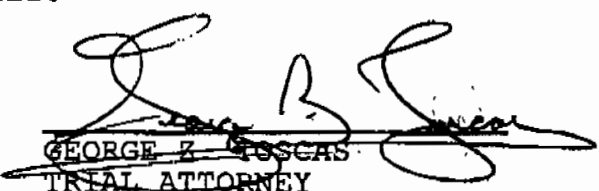
August 25, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the persons listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Defendant James T. Richards (Pro Se)  
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~~GEORGE F. GORMLEY~~  
~~TRIAL ATTORNEY~~

August 25, 2005